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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

YU ZHANG,) Case No. CV 08-06506 GAF (RCx)
Plaintiff,)
v.)
HEINEKEN N.V., *et al.*,)
Defendants.)
}) **JUDGMENT**
})
}) Honorable Gary A. Feess

This copyright infringement action arises out of the alleged reproduction of certain Chinese artwork. Plaintiff Yu Zhang (“Zhang”) alleges that Defendants conspired to violate his exclusive rights in a work entitled “Traditional Chinese Painting.” The artwork consists of four separate Chinese characters, to which Zhang also asserts exclusive rights. Although Zhang previously applied to register these works, the United States Copyright Office (“Copyright Office”) denied his applications.

Zhang filed suit against a number of infringing defendants, and asserts a single claim against Marybeth Peters, acting in her official capacity as the Register of Copyrights of the United States Library of Congress (the “Register”). Zhang specifically requests that this Court direct the Register to issue a certificate of

1 copyright for each of the relevant works.

2 On April 16, 2010, the Register filed her Motion for Summary Judgment. *See*
3 Docket No. 38. The Court issued its Order granting the Register's Motion on May 12,
4 2010. *See* Docket No. 41. In that Order, the Court also vacated the hearing set for
5 May 17, 2010. *See id.*

6 As detailed in the Court's Order, because the drawings are merely ornate
7 depictions of various Chinese words, the Court concludes that Zhang's works lack the
8 minimum amount of originality to warrant copyright protection. Applicable copyright
9 regulations preclude registration of words or phrases, even if they are created with
10 artistic detail or decoration. The Court also concludes that the Register's decision to
11 deny Zhang's applications was reasonable, and that her ultimate decision requires
12 substantial deference. In light of the deference given to the Register's decision, the
13 considerable legal authority supporting that decision, and Zhang's failure to file any
14 opposition to the present motion:

15 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the
16 Register's Motion for Summary Judgment is granted and judgment is hereby entered
17 in favor of the Register.

18
19 DATED: June 18, 2010



20 Honorable Gary A. Feess
21 UNITED STATES DISTRICT JUDGE

22 Presented by:

23 ANDRÉ BIROTTÉ JR.
24 United States Attorney
25 LEON W. WEIDMAN
26 Assistant United States Attorney
27 Chief, Civil Division

28 //s//

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